

Wilmington, Delaware  
March 7, 2013

#3796

**Sponsors:**

**Council  
President  
Gregory**

**Council  
Members  
M. Brown  
D. Brown  
Shabazz  
Freel  
Wright**

**Co-Sponsors:**

**Council  
Members  
Williams  
Dorsey Walker**

**WHEREAS**, Wilmington residents are regularly subjected to dangerous criminals who commit violent crimes while out on bail; and

**WHEREAS**, statutory changes are needed to strengthen our bail system in order to keep repeat offenders off of our streets; and

**WHEREAS**, under the legislation proposed by Attorney General Joseph R. Biden, Senate Majority Whip Margaret Rose Henry, Senator Robert Marshall, Representative Helene Keeley and Representative Larry Mitchell, violent criminals will face stricter bail conditions, and in certain instances be denied bail; and

**WHEREAS**, the legislation as proposed by the Delaware General Assembly would:

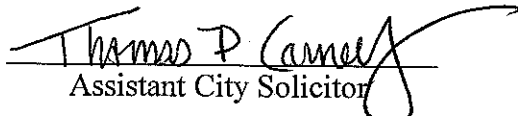
Require that defendants arrested on violent felony charges while out on bail for a previous offense have their bail for the first offense revoked if a Superior Court judge decides there is sufficient evidence that the person committed the second offense. The repeat offender would forfeit the bail if it was cash, and a hearing will be held to set a new bail amount, which must be at least twice as much as the initial bail amount.

Amend Delaware's constitution to allow for judges to have the discretion to order dangerous defendants held without bail if holding them in pre-trial detention is the only way to "reasonably assure the safety" of the public. The constitutional amendment would make Delaware law similar to the federal system, where judges can hold hearings to determine whether a defendant is too dangerous to release; and


**WHEREAS**, while the bill retains the express right to have bail set in a criminal case, Council hopes the proposed legislation will give our judges the opportunity to decide whether an individual is too violent or too dangerous to be released back into the community; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that Council supports Attorney General Joseph R. Biden and the General Assembly on their Criminal Justice Proposal to Protect Public Safety by Focusing on Violent Repeat Offenders and encourages all General Assembly members to vote approve the legislation.

Approved as to form this 5th  
day of March, 2013

  
Assistant City Solicitor

Passed by City Council,  
March 7, 2013

Attest:   
City Clerk